



CANNON BUILDING
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**STATE OF DELAWARE
REAL ESTATE COMMISSION**

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PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, February 12, 2015 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	March 12, 2015

MEMBERS PRESENT

Andrew Staton, Professional Member, Chairman
Justin Healy, Professional Member, Vice Chairman
Jason Giles, Professional Member, Secretary
Michael Harrington, Sr., Professional Member
Lynn Rogers, Public Member
Joseph F. McCann, Public Member
Lynne Newlin, Public Member
Lynnette Scott, Professional Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

David Mangler, Director of Professional Regulation
Gayle MacAfee, Deputy Director of Professional Regulation
Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Jessica Williams, Administrative Specialist II

MEMBERS ABSENT

Curtis Rogers, Public Member

ALSO PRESENT

Tim Riale, Real Estate Education Committee
Tom Burns, Real Estate Education Committee
Danielle Benson, Real Estate Education Committee
Angela Emerson, SCAOR
Elio Battista, Jr., PGS
Joe Fitzgerald, DAA
Maria Evans, DAR
Chris Whitfield
Ethel Lewis, Keller Williams

CALL TO ORDER

Mr. Staton called the meeting to order at 9:02 a.m.

REVIEW OF MINUTES

Mr. L. Rogers made a motion, seconded by Ms. Newlin, to approve the minutes of the meeting held on January 15, 2015. By unanimous vote, the motion carried.

NEW BUSINESS

Deliberation from Rule and Regulation Hearing

Section 4.1 moved to the beginning of the agenda.

Ms. Kelly had the Commission introduce themselves. The court reporter was taking verbatim testimony of the deliberations. Ms. Kelly advised the Commission that, pursuant to the applicable statutory provisions, they had the authority to adopt rules pertaining to the auctioneer exemption. After discussion and deliberation on each proposed rule change, the Commission made the following motions:

Mr. McCann made a motion, seconded by Mr. Healy, to approve the rule change for 1.4.1.1 as written. By unanimous vote, the motion carried.

Mr. Giles made a motion, seconded by Ms. Newlin, to approve the change for rule 1.4.1.3 in that the sentences are reversed. By unanimous vote, the motion carried.

Mr. Healy made a motion, seconded by Ms. Newlin, to approve rule 1.4.1.3 as changed. By unanimous vote, the motion carried.

Mr. Healy made a motion, seconded by Mr. McCann, to approve rule 8.5.5.6 as written. By unanimous vote, the motion carried.

Mr. McCann made a motion, seconded by Mr. Healy, to approve the rest of the changes in 8.0. By unanimous vote, the motion carried.

Mr. Giles made a motion, seconded by Mr. McCann, to approve the changes in 13.0 of the rules. By unanimous vote, the motion carried.

Ms. Kelly explained what happens now will be that she will have an order for the Commission to sign for March's meeting. The approved regulations will be published in the April 1, 2015 registry.

The Commission took a break from 9:45 a.m. to 10:02 a.m.

Discussion and Review of Hearing Officer Recommendation

Gabriel Carey – Commission members reviewed the Disciplinary Recommendation from the Hearing Officer with Mr. Giles describing the sanctions. After discussion, Mr. Giles made a motion, seconded by Ms. Scott, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Education Committee Report

Mr. Riale went through the Education Committee minutes with the Commission. Mr. Riale said the Education Committee continues to review the continuing education audits. There were 28 course provider applications and 27 were approved and 1 course denied, 6 instructor applications were received 5 were approved and 1 was approved with modifications.

The Education Committee established a sub-committee to discuss online continuing education. The sub-committee's recommendations were to have no more than 3 modules completed by online which is a total of 9 hours. All newly licensed licensees would need to do all their modules in a classroom setting.

The Education Committee received good responses back from providers from the knowledge based letter that was sent out.

Ms. Scott said that personally she would feel uncomfortable requiring persons to be subjected to a certain amount of online continuing education and that she feels online education requires you to pay attention more because of having a test at the end that has to be passed. In the classrooms all that is required is that you are present.

Mr. Riale stated that this discussion came about by the audit process. In reviewing the audits it seems that persons are waiting for the last day to complete their continuing education.

Mr. Staton asked why testing at the end of classroom courses is not on the table. Mr. Riale stated that at one time testing was done, but that rule was removed from the Commission's rules and regulations. This discussion will be added to the Real Estate Commission's subcommittee on Regulatory & Legislative Issues.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

Mr. Harrington made a motion, seconded by Mr. Giles, to approve the education approvals submitted by the Education Committee. By unanimous vote, the motion carried.

Applications for Licensure

Ratification of Salesperson Applications

Mr. McCann made a motion, seconded by Mr. Healy, to ratify the following applications for salespersons:

Meredith Candeloro, Applebaum Realty, Wilmington, DE
Sandra Piper-Waters, Keller Williams, Dover, DE
William Damberg, Ocean Atlantic Sotheby's, Rehoboth Beach, DE
Patricia Ecke, Sea Grace at North Beach Realtors, Ocean City, MD
Sandra Sherow, Long & Foster Real Estate, Inc., Rehoboth Beach, DE
Barbra Ellis-Whitley, Patterson Schwartz & Associates, Newark, DE
Anthony Colgain, Patterson Schwartz, Wilmington, DE
Suzanne Rumsey, Patterson Schwartz & Associates, Newark, DE
Christopher Rumsey, Patterson Schwartz & Associates, Newark, DE
Ryan Davis, Patterson Schwartz Real Estate, Hockessin, DE
Randall King, Long & Foster Real Estate, Inc., Bethany Beach, DE
Sandra Myers, Patterson Schwartz & Associates, Newark, DE
Thomas Boyer, BHHS Fox & Roach, Newark, DE
Lon Fluman III, BHHS Fox & Roach, Newark, DE
Ellen Dempsey, BHHS Fox & Roach, Newark, DE
Cheryl Medley, Keller Williams Realty, Christiana, DE
Yessenia Tavarez, Century 21 Premier Homes, Middletown, DE
Gina Bozzo, Long & Foster Real Estate, Inc., Wilmington, DE
Nicholas Barkins, Harrington ERA Realty, Dover, DE
Sue Ann Campo-Baietti, PRS Real Estate Group, Wilmington, DE
Janine Emanuele-Seaton, Long & Foster Real Estate, Bear, DE
Max Friedman, BHHS Fox & Roach, Newark, DE
Tashnique Sewell, BHHS Fox & Roach, Newark, DE
Michael O'Neill, Lester Realty, Georgetown, DE
Teri Jackson, Harrington ERA Realty, Inc., Dover, DE
Doreen Sawchak, BHHS Fox & Roach, Newark, DE
Thomas Ghigliotty, Patterson Schwartz & Associates, Hockessin, DE
John Hurley, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Crystal Graham, Patterson Schwartz, Newark, DE
Whitney Russell, Coastal Real Estate, Ocean View, DE
Victoria Gainor, Coldwell Banker Preferred, Media, PA
Anthony Lapinsky, Olson Realty, Dover, DE
Nicole McKenzie, BHHS Fox & Roach, Newark, DE
Theron Palmer Sr., Elm Properties, Wilmington, DE

Brandon Pyne, Keller Williams Realty Central, Dover, DE
Douglas Gallagher, First Class Properties of DE, LLC, Dover, DE
Deana Yokimcus, Patterson Schwartz, Hockessin, DE
Gregory Ferrante, Jones Lang LaSalle Americas, Wilmington, DE
Amy Doerzbach, BHHS Pen Fed Realty, Berlin, MD
Karen Johnson, Beiler-Campbell Realtors, Kennett Square, PA
Richard Schuler, Patterson Schwartz, Greenville, DE
Michael Taylor, Patterson Schwartz Associates, Inc., Newark, DE
Nivger Schowgurow, Coldwell Banker Preferred, Wilmington, DE
Annette DiEdoardo, Keller Williams Realty, Christiana, DE
Danielle Mauchly-Smith, L3D Referral Realty, LLC, Dover, DE
Edwin Lieb, Keller Williams, Exton, PA

By unanimous vote, the motion carried.

Review of Broker and Associate Broker Applications

The Commission reviewed the associate broker's application of Michal Milligan. Mr. Giles made a motion, seconded by Mr. Healy, to approve Mr. Milligan's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Donnie Horton. Mr. Giles made a motion, seconded by Mr. Healy, to approve Mr. Horton's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Gilbert Myers. Mr. Giles made a motion, seconded by Mr. Healy, to approve Mr. Myers' application. By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Theresa Tarquinio. Mr. Giles made a motion, seconded by Mr. Healy, to approve Ms. Tarquinio's application. By unanimous vote, the motion carried.

Review of Applications for Reinstatement

The Commission reviewed the application of Rachel Ribeiro for reinstatement of a salesperson's license. Mr. Harrington made a motion, seconded by Ms. Newlin, to approve Ms. Ribeiro's reinstatement application. Ms. Ribeiro took both exams and passed. By unanimous vote, the motion carried.

The Commission reviewed the application of Marlon Tann for reinstatement of a salesperson's license. Mr. Harrington made a motion, seconded by Ms. Newlin, to approve Mr. Tann's reinstatement application upon successful passing of both National and the Delaware State Exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Dawn Wilson for reinstatement of a salesperson's license. Mr. Harrington made a motion, seconded by Ms. Newlin, to approve Ms. Wilson's reinstatement application upon successful passing of the Delaware State Exam. By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the application of Long & Foster Real Estate, Inc., for a new office. Ms. Newlin made a motion, seconded by Mr. Giles, to approve the new office application. By unanimous vote, the motion carried.

The Commission reviewed the application of 4 Shore Realty, LLC for a new office. Ms. Newlin made a motion, seconded by Mr. Giles, to approve the new office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Downtown Beach Rentals, LLC by Keller Williams, for a new branch office. Ms. Newlin made a motion, seconded by Mr. Giles, to approve the new branch office application. By unanimous vote, the motion carried.

Status of Complaints

Complaint # 02-06-14 – Closed by Investigator

Complaint # 02-21-14 – Closed by Investigator

Complaint # 02-05-14 – Closed by Attorney General's Office

Complaint # 02-03-14 – Closed by Attorney General's Office

Correspondence

Letter from Terrell Johnson

Ms. Wagner stated that Mr. Johnson submitted a letter back in 2012 asking for time to get his continuing education completed; however the letter was never review and now Mr. Johnson is in a lapsed must reinstate status and needs to reinstate. Mr. Johnson sent a new letter asking if he was required to take all 36 hours of continuing education for reinstatement. The Commission discussed and stated that Mr. Johnson would need to submit all 36 hours needed to reinstate his license. Ms. Wagner will let Mr. Johnson know the outcome of the discussion.

Discussion and Review of Consent Agreement – David Attarian

Review and Discussion: Consent agreement for Duvall Watson, Sr.

The Commission reviewed the consent agreement for Mr. David Attarian. After discussion, Mr. Giles made a motion, seconded by Ms. Newlin, to accept the consent agreement for Mr. Attarian. By unanimous vote, the motion carried.

Education of Law/Rules and Regulations – Eileen Kelly

Ms. Kelly described the reason for the education and that there are three key documents that the Commissioner's need to have in their folders for each meeting. They are the Law, Rules & Regulations, and the Guidelines on the Education Committee. Ms. Kelly went through some highlights of the law, rules and regulations, guidelines, duties of the Commission, hearings, recommendations, and orders.

OLD BUSINESS

Deliberations from Rule and Regulation Hearing

This was moved to the beginning of the agenda.

Review and Signing of Order

Mr. Staton signed orders for:

Candace Cottrell

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

There was no other business before the Commission.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, March 12, 2015 at 9:00 a.m.

ADJOURNMENT

Ms. Scott made a motion, seconded by Mr. Healy, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 10:55 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sandra Wagner".

Sandra Wagner
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.